IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

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CIVIL SECOND APPEAL No. 327 of 2007

OM PRAKASH
V/S
M/S TIKMANI BROS.PVT.LTD.& ANR.

Mr. MANISH SHISODIA, for the appellant / petitioner

Mr. DINESH MEHTA, for the respondent

Date of Order : 9.10.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties.

After arguing for some time, learned counsel for the appellant seeks to withdraw the appeal and prays for some reasonable time for peacefully vacating the premises and handing over possession to the landlord decree-holder.

The appeal is, therefore, dismissed as withdrawn. However, at the request of the learned counsel for the appellant, the appellant is given 1½ years' time to vacate the suit premises on the condition that the appellant gives an undertaking before the learned trial court within one month from today that on or before the expiry of the above period, he will peacefully hand over the vacant possession of the suit premises to the plaintiff and that during this period, he will not, in any manner, transfer the possession

of the suit premises to anybody. Likewise, the entire decreetal amount, so also all arrears of rent, if any, shall be deposited by the appellant in the trial court within one month from today and shall further continue to deposit amount equal to the monthly rent by way of damages for use and occupation by 15th of each succeeding month, till the actual delivery of possession. In case the appellant fails to comply with any of the above conditions, the respondent will become automatically entitled to execute the decree forthwith.

( N P GUPTA ),J.

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